

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:	Case No.:	16-33371-RG
Nicholas Pezza	Chapter:	7
Debtor.	Judge:	Hon. Rosemary Gambardella

NOTICE OF PROPOSED COMPROMISE or SETTLEMENT OF CONTROVERSY

Steven P. Kartzman, Chapter 7 Trustee, in this case proposes a compromise, or to settle a claim and/or action as described below. If you object to the settlement or compromise, you must file a written objection with the Clerk of the United States Bankruptcy Court, and serve it on the person named below not later 7 days before the hearing date.

Address of the Clerk:	Jeanne A. Naughton, Clerk Martin Luther King, Jr. Federal Building 50 Walnut Street Newark, New Jersey 07102
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If an objection is filed, a hearing will be held before the Honorable Rosemary Gambardella on July 9, 2024, at 10:00 a.m. at the United States Bankruptcy Court, 50 Walnut Street, 3rd Floor, Courtroom 3E, Newark, New Jersey 07102 (hearing to be scheduled for at least 28 days from the date of the filing of the notice). If no objection is filed the clerk will enter a *Certification of No Objection* and the settlement may be completed as proposed.

Nature of action: On December 8, 2016 (the “Petition Date”), the Debtor, Nicholas Pezza (“Pezza” or the “Debtor”), filed a voluntary petition for relief under chapter 13 of title 7 of the United States Code (“Bankruptcy Code”) in the United States Bankruptcy Court for the District of New Jersey. Michael J. Cavallaro, Esq. (“Cavallaro”) was counsel to the Debtor on the Petition Date. On April 16, 2017, the Debtor filed a Motion to Convert Case to Chapter 11. [Dkt. No. 29]. On May 10, 2017, the Court entered an Order Converting the Case to Chapter 11 under the Bankruptcy Code. [Dkt. No. 32]. On June 25, 2017, an Application for the Retention of Cavallaro was filed with the Court. [Dkt. No. 47]. The Order employing Cavallaro as attorney for the Debtor was entered on July 21, 2017. [Dkt. No. 51]. On May 31, 2018, Cavallaro submitted an Application for Compensation from February 7, 2017 to May 31, 2018. [Dkt. No. 98]. On July 18, 2018, the Court entered an Order Granting Cavallaro’s attorney’s fees in the amount of \$35,827.50 and expenses of \$548.25 less a Retainer of \$15,000 (the “Fee Order”). [Dkt. No. 111]. Cavallaro never filed a Final Fee Application. On August 31, 2018, the U.S. Trustee filed a Motion to Dismiss Case for Failure to File Monthly Operating Reports, or in the Alternative to Convert Case from Chapter 11 to Chapter 7. [Dkt. No. 117]. The Court entered the Order Converting the Case to Chapter 7 on November 30, 2018. [Dkt. No. 124]. On November 30, 2018, Steven P. Kartzman was appointed Chapter 7 Trustee (the “Trustee”) for the Debtor’s Estate (the “Estate”), with the duties described in 11 U.S.C. §704. Counsel for the Trustee attempted to communicate with Cavallaro numerous times to determine an accurate amount of fees due to him for his services. On March 19, 2024, a FED. R. BANKR. P. 2004 Subpoena was sent to Cavallaro. The subpoena requested that Cavallaro produce “[t]rue and correct copies of all Statements and/or Invoices establishing attorney’s fees owed to you from the Bankruptcy Estate of Nicholas Pezza from June 1, 2018, until your termination on March 14, 2019.” Cavallaro was to respond to the subpoena by April 11, 2024. Cavallaro did not respond to the Subpoena, and a Motion for an Order Compelling Michael J. Cavallaro, Esq. to Comply with a Subpoena in a Case Under the Bankruptcy Code and for Sanctions Pursuant to FED. R. BANKR. P. 2004 and 9016 and FED. R. CIV. P. 45 (the “Motion”) was filed on April 26, 2024. Cavallaro

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then complied with the Motion and provided counsel to the Trustee with a certification stating he was owed \$20,384.50 in fees and \$548.25 in expenses once he deducted his \$15,443 retainer from the Court's Fee Order, and that he would not be seeking any additional fees or expenses. The Trustee reviewed the hours expended by his attorneys in obtaining this information from Cavallaro, and requested a \$4,000.00 reduction in legal fees due to the additional fees expended in obtaining compliance with the prior requests, the subpoena, and drafting and filing the Motion.

Pertinent terms of settlement: Upon the entry of a Certification of No Objection to this Notice of Proposed Settlement, the Fee Order shall be reduced by \$4,000 to \$16,384.50 in fees and \$584.25 in expenses.

Objections must be served on, and requests for additional information directed to:

Name: Steven A. Jayson, Esq., Mellinger Kartzman

Address: 101 Gibraltar Drive, Suite 2F, Morris Plains, New Jersey 07950

Telephone No.: (973) 267-0315

In re:

Nicholas Pezza

Debtor

Case No. 16-33371-RG

Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin

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Date Rcvd: May 29, 2024

Form ID: pdf905

Total Noticed: 31

The following symbols are used throughout this certificate:

Symbol

Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
- ^ Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 31, 2024:**Recip ID****Recipient Name and Address**

- db + Nicholas Pezza, 488 Dewey Avenue, Saddle Brook, NJ 07663-5904
- aty + Michael J. Cavallaro, 25 Lafayette Place, Kearny, NJ 07032-2228
- r Aldo Lavorini, 550 Boulevard, Elmwood Park, NJ 07407
- cr + Christiana Trust as Custodian, c/o Pellegrino & Feldstein, LLC, 290 Route 46 West, Denville, NJ 07834-1239
- cr + MTGLQ Investors, LP c/o Rushmore Loan Management S, 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618-2132
- acc Michael Nulty, Matthews & Nulty, Inc.
- intp + NEW STREET PIZZERIA, LLC, 63 New Street, Newark, NJ 07102-3049
- cr + Nationstar Mortgage LLC, as servicer for U.S. Bank, C/O Buckley Madole, P.C., 99 Wood Avenue South, Suite 803, Iselin, NJ 08830-2713
- r + Progressive Real Estate Services, 1033 Route 46 East, Clifton, NJ 07013-2448
- 516537772 + Bank of America Home Loans, 100 N Tryon Street, Charlotte, NC 28255-0001
- 516889117 + Christian Trust as Custodian, c/o Pellegrino & Feldstein, LLC, 290 Route 46 West, Denville, NJ 07834-1239
- 516644633 DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FO, Bank of America, PO Box 31785, Tampa, FL 33631-3785
- 516537775 + Shapiro & Denardo LLC, 14000 Commerce Parkway Suite B, Mount Laurel, NJ 08054-2242
- 516654610 + Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 14

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID**Notice Type: Email Address****Date/Time****Recipient Name and Address**

- aty + Email/Text: attorneys@msklaw.net May 29 2024 20:41:00 Mellinger Kartzman LLC, 101 Gibraltar Drive, Suite 2F, Morris Plains, NJ 07950-1287
- aty + Email/Text: attorneys@msklaw.net May 29 2024 20:41:00 Mellinger Sanders & Kartzman LLC, 101 Gibraltar Drive, Suite 2F, Morris Plains, NJ 07950-1287
- smg Email/Text: usanj.njbankr@usdoj.gov May 29 2024 20:42:00 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
- smg + Email/Text: ustpregion03.ne.ecf@usdoj.gov May 29 2024 20:42:00 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
- app + Email/Text: atkinsappraisal@aol.com May 29 2024 20:42:00 A. Atkins Appraisal Corp., 122 Clinton Road, Fairfield, NJ 07004-2900
- cr + Email/Text: sbse.cio.bnc.mail@irs.gov May 29 2024 20:42:00 IRS, 51 Haddonfield Rd, Suite 300, Cherry Hill, NJ 08002-4805
- cr + Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 29 2024 20:43:58 Synchrony Bank c/o PRA Receivables Management, LLC, Valerie Smith, PO BOX 41021, Norfolk, VA 23541-1021
- cr + Email/Text: RASEBN@raslg.com May 29 2024 20:41:00 U.S. Bank National Association, RAS Crane, LLC, 10700 Abbott's Bridge Road, suite 170, Duluth, GA 30097-8461
- 517960657 Email/PDF: MerrickBKNotifications@Resurgent.com May 29 2024 20:44:28 Advanta Bank Corporation, Resurgent Capital Services, PO Box 10368, Greenville, SC

District/off: 0312-2

User: admin

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Date Rcvd: May 29, 2024

Form ID: pdf905

Total Noticed: 31

			29603-0368
516573275	+ Email/Text: bankruptcy@cavps.com	May 29 2024 20:43:00	Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
516574448	Email/Text: mrdiscen@discover.com	May 29 2024 20:41:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
516537773	^ MEBN	May 29 2024 20:36:53	KML Law Group, 701 Market Street #5000, Philadelphia, PA 19106-1541
516695014	+ Email/Text: bankruptcydpt@mcmcg.com	May 29 2024 20:42:00	MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
516760853	+ Email/Text: nsm_bk_notices@mrcooper.com	May 29 2024 20:41:00	MTGLQ Investors, LP, c/o Rushmore Loan Management Services, PO Box 55004, Irvine, CA 92619-5004
516537774	+ Email/Text: dnj@pbslaw.org	May 29 2024 20:42:00	Pleuse Becker & Saltzman, LLC, Attorneys at Law, 20000 Horizon Way Suite 900, Mount Laurel, NJ 08054-4318
516654610	^ MEBN	May 29 2024 20:36:56	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
516671466	+ Email/Text: nsm_bk_notices@mrcooper.com	May 29 2024 20:41:00	U.S. Bank National Association, Trustee(See 410), c/o Nationstar Mortgage LLC, PO Box 619096, Dallas, Texas 75261-9096
518077558	+ Email/Text: ustpregion03.ne.ecf@usdoj.gov	May 29 2024 20:42:00	United States Trustee, One Newark Center, Suite 2100, Newark, NJ 07102-5235

TOTAL: 18

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
acc		WithumSmith+Brown PC
516869097	*+	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346

TOTAL: 1 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 31, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 28, 2024 at the address(es) listed below:

Name	Email Address
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Denise E. Carlon

on behalf of Creditor Deutsche Bank National Trust Company as Trustee for the Holders of New Century Home Equity Loan Trust Series 2005-A, Asset Backed Pass-Through Certificates dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

District/off: 0312-2

User: admin

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Date Recd: May 29, 2024

Form ID: pdf905

Total Noticed: 31

Donald Troy Bonomo

on behalf of Debtor Nicholas Pezza dbonomo123@gmail.com tdr68458@notify.bestcase.com

Elizabeth L. Wassall

on behalf of Creditor U.S. Bank National Association as Trustee, for Lehman Mortgage Trust Mortgage Pass Through Certificates Series 2006-2 ewassall@logs.com, njbankruptcynotifications@logs.com;logsecf@logs.com

Francesca Ann Arcure

on behalf of Creditor Nationstar Mortgage LLC as servicer for U.S. Bank National Association, as Trustee, for Lehman Mortgage Trust Mortgage Pass Through Certificates Series 2006-2 farcure@hillwallack.com, NJ_ECF_Notices@McCalla.com

Francis J. Ballak

on behalf of Creditor Christiana Trust as Custodian francis@gmslaw.com

Joseph R Zapata, Jr

on behalf of Trustee Steven P. Kartzman jzapata@msbnj.com

Judah B Loewenstein

on behalf of Trustee Steven P. Kartzman jloewenstein@msklaw.net
sjayson@msklaw.net;pmasiello@msklaw.net;donna@msklaw.net

Keith A. Bonchi

on behalf of Creditor Christiana Trust as Custodian keith@gmslaw.com

Kevin C. Orr

on behalf of Interested Party NEW STREET PIZZERIA LLC firm@orr-law.com, firm@orr-law.com

Laura M. Egerman

on behalf of Creditor U.S. Bank National Association laura.egerman@mccalla.com mccallaecf@ecf.courtdrive.com

Michael A. Artis

on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov

Robert P. Saltzman

on behalf of Creditor MTGLQ Investors LP c/o Rushmore Loan Management Services, LLC dnj@pbslaw.org

Steven A. Jayson

on behalf of Trustee Steven P. Kartzman sjayson@msklaw.net
jloewenstein@msklaw.net;donna@msklaw.net;pmasiello@msklaw.net

Steven P. Kartzman

on behalf of Appraiser A. Atkins Appraisal Corp Trustee@msklaw.net,
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donna@msklaw.net;pmasiello@msk
law.net

Steven P. Kartzman

on behalf of Trustee Steven P. Kartzman Trustee@msklaw.net
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donna@msklaw.net;pmasiello@msk
law.net

Steven P. Kartzman

on behalf of Attorney Mellinger Kartzman LLC Trustee@msklaw.net
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donna@msklaw.net;pmasiello@msk
law.net

Steven P. Kartzman

Trustee@msklaw.net
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donna@msklaw.net;pmasiello@msk
law.net

Stuart H. West

on behalf of Creditor MTGLQ Investors LP c/o Rushmore Loan Management Services, LLC swest@pbslaw.org

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

United States Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 20